

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
SEPTEMBER 8, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Alix Driscoll, Commissioner Ellen Townson, Jon Honea, Vice Chairman Kevin Porter, and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

8 Tiffany Lane

Staff Recommendation: Withdraw without prejudice.

Public Hearing on a Request for Determination of Applicability filed by Tracey and Mark Waszkelewicz under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repair of an existing septic system at **8 Tiffany Lane**.

Agent Cleary presented this to the Commission. The Applicant has requested to withdraw their application without prejudice.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to withdraw the application without prejudice; it was seconded by Commissioner Driscoll and unanimously approved.

93 Reservation Road

Staff Recommendation: Withdraw without prejudice.

Public Hearing on a Request for Determination of Applicability filed by Alan MacLaren under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a replacement existing septic system at **93 Reservation Road**.

Agent Cleary presented this to the Commission. The Applicant has requested to withdraw their application without prejudice. The Board of Health issued an Emergency Certification. Please ratify the Emergency Certification.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to withdrawn the application without prejudice and ratify the Emergency Certification; it was seconded by Commissioner Townsend.

96 North Street

Present in Interest: Brian Cronin

Staff Recommendation: Approve with waiver and mitigation.

Public Hearing on a Request for Determination of Applicability filed by Brian Cronin under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed construction of a 25' x35' shed at **96 North Street.**

Mr. Douglas presented this to the Commission. The project is for the construction of a shed which is 875 square feet located 25 feet from the wetland. Mitigation is proposed as the remains of a foundation will be removed from the wetland and allowed to revegetate. Over 15000 square feet of foundation will be removed. Our By-Law states that any shed over 500 square feet standing alone is considered a standalone structure to be located 50 feet away from the resource area or a waiver is needed. The Applicant requested a waiver. Bounds will be placed at the limit of clearing to maintain the 25 foot buffer.

Commissioner Porter requested protection be in place during the removal of the foundation. Staff will monitor the removal of the foundation. Commissioner Honea agreed that the mitigation and 25 foot bounds are sufficient mitigation for the project. Commissioner Driscoll was concerned with setting a precedent for future large sheds. Chairman Cooper advised that the Applicant is providing more mitigation than the area for the shed.

This is a unique situation which is allowable due to the bounds being installed; slabs removed and area allowed to revegetate and building the shed on posts which take up less surface area.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve with conditions discussed; it was seconded by Vice Chairman Porter and unanimously approved.

8 Cottage Road

Present in Interest: Bill MacLeod and Eva Marie Flowers

Staff Recommendation: Continue.

Public Hearing on a Request for an Order of Conditions filed by Janet Mitchell under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of a single family dwelling at **8 Cottage Road.**

Mr. Douglas presented this to the Commission. The project involves removal of the existing home and garage with in the Riverfront and construction of a larger home outside the Riverfront and all setbacks are being met.

Mr. MacLeod presented the project to the Commission. There is a confirmed perennial stream that runs under Cottage Road and an intermittent stream along the other side that has been observed dry. The new home and driveway are outside the Riverfront and the area where the existing home is will be loamed and seeded. Non-disturb markers will be installed along the 25 foot non-disturb. The trees located inside the construction area will be removed, however as many trees as possible will remain. The closest the house will be to the wetland line is 75-77 feet.

Commissioner Honea asked if the line has been reviewed and confirmed by staff. Staff will confirm line by end of the week.

Eva Marie Flowers, an abutter is concerned with the amount of trees being removed and the loss of habitat. She would like the flagging confirmed. She also asked if there was any intention of subdividing this lot and wanted confirmation that this would not be presented to the Commission "piecemeal like Courtney Lane". Mr. MacLeod confirmed that the lot is not being subdivided due to the intermittent stream.

Chairman Cooper asked if the Applicant was agreeable to increasing the distance to 40-45 feet for the haybale line from the corner of the lot abutting Ms. Flowers property.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to September 16, 2014; it was seconded by Commissioner Driscoll and unanimously approved.

Marland Place Dam and Ballardvale Dam Removal Projects

Present in Interest: Nick Wildman, Eric Derleth, Nick Nelson, Jane Gifun, Tom Ardito, Jim Lane and Paula Preller

Staff Recommendation: Site Visit and Continue.

Public Hearing on a Notice of Intent filed by Lowell Street Investments, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **15 Stevens Street. DEP File No. 090-1222.**

Public Hearing on a Notice of Intent filed by the Town of Andover under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Bamoral Dam at **11 Haverhill Street. DEP File No. 090-1223.**

Mr. Douglas presented this to the Commission. The Marland Place Dam is a significant hazard. There is no flood value to the dame so there will be no improvement of the flooding in the Shawsheen area.

Nick Wildman presented the project to the Commission. He provided a Power Point presentation to the Commission representing this project and the Balmoral Dam Removal

project. The removal of these dams will open up 12 miles of connectivity for habitat; restore ecological processes; open up fish and wildlife passages; allow transport of sediment and remove public safety threats. The dams do not have any flood control value.

Marland Place has a 4 acre impound of sediment behind it. The dam will be removed and the material dredged will be brought to a landfill. The banks and a riffle will be constructed. Native plantings will be done and stabilization of the existing stormwater outfalls will take place. The wetland area may decrease when the water level is lowered. The wetland resources that will be affected are Inland Bank; Land Under Water; Bordering Vegetated Wetland; Bordering Land Subject to Flooding and Riverfront Area.

Balmoral Dam has minimal sediment behind the dam, which will gradually flow downstream when the dam is removed. The water is constrained by the flood walls. To remove the dam, access will through the Green, the dam will be demolished, a riffle constructed and the bank and walls will be repaired to present condition.

Jane Gifun is concerned that with the shrinking of the wetlands the lawns will extend to the River.

Paula Preller informed the Commission that the culvert runs underneath the Scientist Church with the outflow in the Shawsheen River. She is concerned that the removal will impact this and the flooding. There will be no change in flood elevations and the flooding conditions will not change.

Jim Lane asked if the impound is reduced and the area will absorb more water, will this mitigate the water in basements.

Andy Menezes asked what would happen to the species living now near the dam when the Land Under Water is converted to Bordering Vegetated Wetland.

Commissioner Greenwood inquired about the process to lower the water level to remove the sediment and remove the dams. The process includes lowering the water level a notch at a time which will expose and dry out the sediment. Commissioner Greenwood would like the sequencing to be part of the Special Conditions of the OOC and notice to be given to the residents that the water level is being lowered.

A site visit was scheduled for September 18th at 8:15am at Marland Place and 9:15am at Balmoral. Chairman Cooper suggested a peer review be done. Commissioner Honea asked to be kept updated on the other permits required for this project.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to October 21, 2014 for a site visit and peer review; it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

2 Torr Street

Staff Recommendation: Ratify.

Ratification of Emergency Certification issued for collapsed drainage channel.

Commissioner Driscoll made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Townson and unanimously approved.

CONSENT AGENDA:

5 Cameron Road

Request for Satisfactory Completion of Work Certificate.

Vice Chairman Porter made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Tennessee Gas Pipeline

Chairman Cooper recused himself and left the meeting.

There was a meeting with the other Towns involved with the coalition. Andover is the only town to provide alternate routes. Every municipality and land trust owner can become an intervener. There is another pipeline from Spectra submitting an application with FERK whose pipeline follows the highway route. An RFP will be done on whether the pipeline is needed. The Motion will be discussed at the September 16th Conservation Meeting.

The next meeting will be held September 16, 2014 at 7:45pm.

The meeting was adjourned at 10:10 pm by Motion of Commissioner Greenwood; seconded by Commissioner Townson and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**